

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, "EIA development" means development which is either Schedule 1 development or Schedule 2 development that is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Schedule 2 development is development of a type listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which:-

- (i) is located wholly or in part in a 'sensitive area'; or
- (ii) meets one of the relevant criteria or exceeds one of the relevant thresholds listed in the second column of the table in Schedule 2.

Part 10 'Infrastructure Projects' of the Schedule 2 of the Regulations includes:-

**Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas.**

The threshold for exceeding Part 10(b) is either if the development includes more than 1 hectare of urban development which is not dwellinghouse development; or the development includes more than 150 dwellings; or the overall area of the development exceeds 5 hectares.

The scheme is not Schedule 1 development but exceeds the indicative trigger thresholds for Schedule 2 Category 10(b) development in that the site area exceeds 5 hectares and the number of dwellings exceeds 150 units. As such it is considered the proposal comprises Schedule 2 development required to be screened. A detailed assessment of the proposal in the context of relevant statutory considerations follows.

The question that must be asked is:-

"...Would this particular development be likely to have significant effects on the environment?..."

The Regulations provides an indicative threshold and criteria for identification of Schedule 2 development requiring EIA. Planning Practice Guidance in respect of Part 10 states:-

The key issues to consider relate to physical scale of such developments, potential increase in traffic, emissions and noise.

The starting point to determine whether the development is likely to have significant effects on the environment are found in Schedule 3 of the Regulations. Schedule 3 sets out the 'selection criteria', which must be taken into account.

The fundamental test to be applied in each case is whether the particular type of development and its specific impacts are likely, in that particular location, to result in significant effects on the environment.

### Environmental Impact Assessment (EIA) Screening Opinion

The EIA Regulations 2017 Schedule 3 Selection Criteria assist Local Planning Authorities and developers in their consideration of each application to ensure that the characteristics of the development and its location are taken into account. These criteria have been used as a basis on which to determine whether an EIA is required.

#### **Project Details**

Development of up to 350no. dwellings, plus associated works for access roads, garages and parking, landscaping and open space.

#### **Site Details**

The site as outlined in the submitted documents consists of c.11 hectares of land bounded by Toot Lane to the south and east and by existing housing to the west and north. The red edge on the submitted plans corresponds to that of lapsed hybrid approval B/14/0103. The site remains in agricultural use, and consists of flat, open farmland bisected by drainage dykes. Beyond the site boundaries there is further open farmland to the east and south-east. The site is not in or near to an environmentally sensitive location as defined in the Regulations and is on the south eastern edge of the built form of Boston settlement.

#### **Environmental Impacts.**

The application is supported by a completed EIA Screening Checklist (as used by the Planning Inspectorate and referenced in the PPG at Paragraph: 018 Reference ID: 4-018-20170728) which concludes that the Proposed Development will not result in significant environmental effects.

Assessing the proposal against the criteria set out in Planning Practice Guidance it is noted that the proposal will extend the continuous built form of the settlement in a manner in keeping with its character and that no impacts on a 'sensitive area' as defined in the Regulations will be involved.

The watercourses on the site will be retained for drainage purposes, and against the loss of monocultural farmland must now be set the requirements of the Environment Act for Biodiversity Net Gain to be demonstrated on new development.

The application notes that the lapsed outline permission on the site did not require an EIA, and that any future development on the site will require the following suite of documents which it argues will be sufficient to assess and facilitate mitigation of any environmental impacts:

- Planning Statement;
- Design & Access Statement;
- Transport Assessment;
- Travel Plan;
- Flood Risk Assessment and Drainage Strategy;
- Phase I Ground Investigation Report;
- Tree Survey and Arboricultural Implications Assessment;
- Biodiversity Survey and Report;

- Phase 1 Archaeological Evaluation Report; and
- Air Quality Assessment.

## **Conclusion**

Planning Practice Guidance (PPG) makes it clear that even when indicative thresholds are exceeded, the requirement for an Environmental Statement is likely to be justified in only a small proportion of Schedule 2 developments. In this case whilst certain thresholds are exceeded and whilst the proposal will have an urbanising effect, any environmental impacts are likely to be purely local in nature and will not be to a degree which constitute significant environmental effects. Impacts will be capable of substantial mitigation both during the construction phase and in the long term.

It is considered that the development would not be likely to have significant effects on the environment by virtue of factors such as nature, size and location. Accordingly the Authority has adopted the opinion that the development does not warrant the submission of an EIA as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## **Recommendation**

An EIA is not required.

### Documents referred to in this opinion:

- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- Planning Practice Guidance
- National Planning Policy Framework